

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: August 24, 2010

FILED

DATE: 08/24/10

9:08 O'Clock A.M.

JEANNE HICKS, CLERK

BY: HEATHER SMITH

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

Vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial – Day 37

NATURE OF PROCEEDINGS

COURT REPORTER

Kathy Johnston

START TIME: 9:08 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant
Steven Carroll Democker, Defendant in Custody

At 9:08 a.m., Court reconvenes with both County Attorney's, all Defense Counsel, Defendant and the Jury Panel present.

Dr. Philip Keen resumes testifying having previously been sworn.

Counsel for Defendant moves for the admission of exhibit 2955. Counsel for State objects.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Counsel for State withdraws the objection to exhibit 2955. Exhibit 2955 is admitted.

Court notes, this is the time for the morning recess. Court reminds the jury panel of the admonition. All parties shall return at 10:50 a.m.

***** Recess at 10:32 a.m. *****

At 10:55 a.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Dr. Philip Keen resumes testifying having previously been sworn.

Counsel for Defendant moves for the admission of exhibits 2962, 2963, 2964 and 2965. Exhibits 2962, 2963, 2964 and 2965 are admitted without objection.

By stipulation of the parties, exhibit 1034 is admitted.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Counsel for Defendant moves for the admission of exhibits 2956 and 2957 for a limited purpose as indicated off the record.

Counsel for State has no objection. Exhibits 2956 and 2957 are admitted as indicated.

Court reminds the Jury Panel of the admonition. The Jury Panel shall return at 1:15 p.m.

At 11:55 a.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

The sidebars taken this morning were off the record and the Court would like on the record what the sidebars referred to.

Court indicates, the first sidebar discussed an exhibit Counsel for Defendant requested be admitted to which Counsel for State objected. The objection was withdrawn.

The second sidebar relates to exhibits 2956 and 2957. Both Counsel indicate on the record what was discussed off the record as to the exhibits. The exhibits were only admitted for a limited purpose at that time. Counsel for State requests the exhibits be shown to the Jury Panel. Court will take that issue up if necessary during a sidebar.

Counsel shall return at 1:15 p.m.

***** Lunch Recess at 12:04 p.m. *****

At 1:19 p.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Dr. Philip Keen resumes testifying having previously been sworn.

Counsel for Defendant requests the admission of exhibits 2968 and 2969. Counsel for State has no objection. Exhibit 2968 and 2969 are admitted.

Court reminds the Jury Panel of the admonition. The Jury Panel shall return in 20 minutes.

***** Recess at 2:32 p.m. *****

At 2:52 p.m., Court reconvenes with Counsel and Defendant present, outside the presence of the Jury Panel.

Counsel for State indicates, he has a cropped version of exhibits 2956 and 2957 he would like to use in lieu of the current exhibits.

Counsel for Defendant objects.

Court notes, exhibit 2971 will be admitted for a limited nature to help with the witness's confusion, and may not go past the scope of cross-examination.

Counsel for State requests he be able to use exhibit 2970 for the witness.

Counsel for Defendant objects and believes the photograph is not appropriate.

Exhibit 2970 may not be used at this time.

At 3:14 p.m., the Jury Panel enters the Courtroom.

Dr. Philip Keen resumes testifying, having previously been sworn.

Counsel for State requests the admission of exhibit 2971. Subject to the objection prior to the Jury entering, exhibit 2971 is admitted at this time.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Court offers questions from the Jury Panel. Court takes a brief recess to discuss the questions with the Jury Panel.

Court directs the Jury Panel to return at 4:00 p.m.

At 3:37 p.m., the Jury Panel exits the Courtroom.

Court directs the witness, Dr. Philip Keen to excuse himself from the Courtroom during the discussion of the questions.

Court, Counsel and Defendant remain to discuss the questions from the Jury Panel.

Court notes, during the sidebar, discussion took place regarding some exhibits shown to the Jury Panel.

Counsel for Defendant objected to the use of the exhibits.

Counsel for State believed the exhibits were appropriate.

Court and Counsel discuss questions from the Jury Panel.

***** Recess at 4:06 p.m. *****

At 4:13 p.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Court relays the questions to the witness.

Court and Counsel meet at sidebar, off the record, to discuss another question from a Juror.

Court relays the question to the witness.

The witness is excused and is subject to recall.

Court notes, this is the time for the evening recess. Court reminds the Jury Panel of the admonition.

Court notes, this is the time for the evening recess. Court reminds the Jury Panel of the admonition. The Jury Panel shall return on Wednesday at 9:00 a.m.

Court adjourns at 4:45 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)
Christopher DuPont, Trautman DuPont PLC,
Counsel for Victims Charlotte and Katherine DeMocker
YCSO – Detention Records (e)
Victim Services (e)
John Napper, Counsel for Renee Girard(e)
Division 6